

ELEVATOR, ESCALATOR, AND MOVING WALKWAY MECHANICS LICENSING BOARD

4th BUSINESS MEETING November 24, 2014

PUBLIC SESSION MINUTES

1. CALL TO ORDER

The meeting of November 24, 2014 was called to order at 9:30 a.m. in the Hudson Conference Room on the 6th floor at 124 Halsey Street, Newark, NJ, by James Boydston, Board Chairman. All requirements of the Open Public Meetings Act have been complied with in accordance with N.J.S.A 10:4-6. The notice of the meeting was mailed to the Newark Star Ledger, Camden Courier Post and the Trenton Times. The notice was also sent to the Secretary of State, Trenton, New Jersey.

The Board saluted the flag.

The following Board members were present:

James Boydston
James Byrnes
Paulina Caploon
Edmund DeFilippis
Dennis O'Neill
Scott Wallace Jr.

The following Board members were not present:

None

Also present were:

Sandra Dick, Senior Deputy Attorney General, Division of Law
Charles Manning, Regulatory Analyst
David Freed, Acting Executive Director
George DeLuca, Administrative Analyst

2. APPROVAL OF PUBLIC SESSION MINUTES - October 27, 2014

Motion made by Mr. Byrnes, seconded by Mr. DeFilippis, and unanimously carried to approve the Minutes of the 3rd Public Session Business Meeting held October 27, 2014 as presented.

3. Board Regulations Discussion

Roundtable discussion was held regarding potential pros and cons of requiring by rule that the license number of the supervising licensee be provided to consumers on some or all work undertaken. Discussion was also held regarding the possibility/likelihood of regulatory changes being made by the Department of Community Affairs to require a license number on elevator

Technical Subcode Applications.

Mr. Manning reminded the Board that the draft of Board Regulations attached to the agenda had been revised and that all changes made are reflected in bold face type. Mr. Manning then reviewed all changes incorporated into the regulatory draft since the Board last met.

SUBCHAPTER 5. PRACTICE REQUIREMENTS

- 13:44M-5.2 Supervision

Mr. Manning advised the Board that regulations pertaining to supervision may be formulated based on ratios of licensed to unlicensed individuals and/or by the experience level of those performing work.

Roundtable discussion was held regarding numerous industry variables to be considered in making determinations about required supervision. Topics included: permitted vs. un-permitted work; commercial vs. residential work; high rise vs. low rise work; construction vs. maintenance work; requirements, or lack thereof, for follow-up inspections and maintenance, etc. Preliminary suggestions ranged from no supervision requirements under certain circumstances to a one-to-one ratio under others.

The Board raised questions regarding the enforcement of supervision regulations. Mr. Manning advised the Board to establish the best practice as the standard and to make enforcement determinations thereafter.

Subsequent to tentative and full Board recommendations cited below, additional roundtable discussion centered around the need for clarification of related definitions and the need for a determination regarding the total number of people a licensed elevator mechanic may supervise given the creation of different categories of supervision.

- 13:44M-5.2(a)

Tentative Board recommendations were made regarding supervision of unlicensed individuals performing installation, construction or alteration of elevators, escalators, or moving walkways on a commercial property with distinctions drawn between work on LULA (limited use, limited access) devices, a device that is limited to three stories or less, and devices which are not included in either of those two specific circumstances.

Tentative Board recommendations were as follows:

As regards LULA devices on a commercial property, the licensed elevator mechanic shall maintain daily contact with the unlicensed person (electronic means of communication acceptable), shall be present when the device or platform lift is inspected, and shall supervise no more than 10 unlicensed individuals who are working on such a device or lift.

As regards devices limited to three stories or less on a commercial property, the licensed elevator mechanic shall be physically present on the work site at least once a week and shall supervise no more than 10 individuals who are working on such a device.

As regards work on a commercial property by unlicensed persons on any device not covered above, a licensed elevator mechanic shall be on site when work is being performed on such a

device and shall supervise no more than five individuals working on such a device.

- 13:44M-5.2(b)

Tentative Board recommendations also drew distinctions regarding the licensed elevator mechanics supervision of unlicensed persons performing the maintenance, service, repair or testing of elevators, escalators, or moving walkways on a commercial property.

Tentative Board recommendations were as follows:

If the unlicensed person is performing “minor work” on a commercial property, the licensed elevator mechanic shall maintain daily contact with the unlicensed person (electronic means of communication acceptable) and shall supervise no more than five individuals performing such work.

If the unlicensed person is performing work other than “minor work” on a commercial property the licensed elevator mechanic shall be present at the commencement of the work, shall be available for consultation through electronic means after the work has commenced, and shall supervise no more than five individuals performing such work.

- 13:44M-5.2(c)

Board recommendations were made regarding a licensed elevator mechanic who is supervising an unlicensed person performing installation, construction or alteration of elevators, escalators, or moving walkways on a residential property. In such instances the Board recommended a licensed elevator mechanic shall maintain daily contact with the unlicensed person (electronic means of communication acceptable) and shall supervise no more than 10 individuals who are performing such work.

- 13:44M-5.2(d)

Board recommendations also drew distinctions regarding the licensed elevator mechanics supervision of unlicensed persons performing the maintenance, service, repair or testing of elevators, escalators, or moving walkways on a residential property.

Board recommendations were as follows:

If the unlicensed person is performing “minor work”, the licensed elevator mechanic shall maintain daily contact with the unlicensed person (electronic means of communication acceptable) and shall supervise no more than five individuals performing such work.

If the unlicensed person is performing work other than “minor work” the licensed elevator mechanic shall be present at the commencement of the work, shall be available for consultation through electronic means after the work has commenced, and shall supervise no more than five individuals performing such work.

- 13:44M-5.4 Change of Address; service of process

Draft regulatory language citing “licensed elevator contractor” to be changed to “licensed elevator mechanic”.

Language pertaining to required address change notification to include specific mention of “address of record” where applicable.

- 13:44M-5.5 Reporting conditions not in compliance with Elevator Safety Subcode

Mr. Manning led discussion of these reporting requirements and will draft regulatory language whereby, if a licensed elevator mechanic becomes aware of applicable conditions, he or she shall notify the owner or lessee of the elevator. Alternatively, if a licensed elevator mechanic is unable to notify the owner or lessee of the elevator, he or she shall notify the Board of such conditions.

4. Adjournment

Having no further business, motion made by Mr. O'Neill, seconded by Mr. Wallace, and unanimously approved to adjourn the meeting at 2:30 p.m.

Respectfully Submitted,

David Freed
Acting Executive Director